

Exhibit 1 - Writ Action

ENDORSED

OCT. 04 2021

Clerk of the Napa Superior Court

By: L. WALKER

Deputy

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF NAPA

21CV001403

Case No. _____

RONALD NICHOLSEN II,

Petitioner,

v.

KELHAM VINEYARDS & WINERY LLC,
AND SUSANNA ROGERS KELHAM,

Respondents.

VERIFIED PETITION FOR WRIT OF
MANDATE TO ENFORCE MEMBER'S
RIGHT TO OBTAIN, INSPECT, AND
COPY CERTAIN RECORDS OF A
LIMITED LIABILITY COMPANY PER
CORPORATIONS CODE § 17704.10

VERIFIED PETITION FOR WRIT OF MANDATE

BY FA

PETITION

Per California Code of Civil Procedure § 1085, California Corporations Code §§ 17704.10, and 17701.13 *et seq.* and California Rules of Court Rule 8.932, Petitioner, in his capacity as a member of Kelham Vineyards & Winery LLC (“Kelham Vineyards”) respectfully moves this Court for a Writ of Mandate directed to Respondents. By this Verified Petition, Petitioner alleges:

INTRODUCTION

1. This Petition is brought to obtain corporate records that Petitioner is clearly entitled to, but for which Respondents unlawfully refuse to provide.

2. Specifically, Petitioner has lawfully requested that Respondents provide to him copies of and/or allow inspection of:

- a. Kelham Vineyards' state tax returns for the past six years per Cal. Corp. Code § 17701.13(4);
- b. Kelham Vineyards' federal tax return for year 2020 per Cal. Corp. Code § 17701.13(4);
- c. The complete Operating Agreement executed by all three members of Kelham Vineyards per Cal. Corp. Code § 17701.13(5); and
- d. Kelham Vineyards' "books and records ... as they relate to the internal affairs of the limited liability for at least the current and past four fiscal years" per Cal. Corp. Code § 17701.13(7)

Collectively, Petitioner refers to these materials as "KELHAM CORPORATE RECORDS".

3. Despite requesting the KELHAM CORPORATE RECORDS, and having a clear right to these documents per California Corporations Code § 17704.10(1), Respondents have failed, without justification, to turn over these records. Petitioner does not otherwise have access to these documents. Consequently, an order compelling Respondents to produce these records is necessary.

BACKGROUND

4. This dispute arises from a family's internecine conflict over Kelham Vineyards and its assets. Respondent Susanna Rogers Kelham ("S. Kelham") seeks to conceal company records from

1 Petitioner for S. Kelham's pecuniary gain and at Petitioner's expense and in an effort to unwind
2 Kelham Vineyards in a way that would result in an illegitimate windfall to the Respondents.

3 5. Petitioner is the founder and co-owner of Kelham Vineyards.

4 6. Respondents are Petitioner's mother, S. Kelham, and the limited liability company in
5 which they are all members, Kelham Vineyards.

6 7. Petitioner and Respondent S. Kelham are equal owners and members of Kelham
7 Vineyards.

8 8. At the end of May 2021, S. Kelham, unexpectedly informed Petitioner that it was "time
9 to sever our business relationship, and to start the process of negotiating a settlement for your exit
10 from Kelham Vineyards and Winery LLC."

11 9. Immediately thereafter, Petitioner demanded Respondents allow him to inspect or
12 transmit to him records pursuant to California Corporations Code §§ 17704.10 and 17701.13.
13 Petitioner's demand for the records was related to his interest as a member of the company because
14 those records will permit Petitioner to evaluate whether Respondent S. Kelham could unilaterally sever
15 his ownership in the company, to discover the Company's assets and liabilities in light of the other
16 members' decision to have Kelham Vineyards appraised to "buy him out", the corresponding value of
17 his membership interest, and to evaluate the propriety of manager compensation and distributions,
18 among other interests.

19 10. There is no dispute that Petitioner is entitled to inspect or receive these records
20 pursuant to California Corporations Code §§ 17704.10 and 17701.13. Respondents have never claimed
21 otherwise. Regardless, Respondents have denied and deprived Petitioner of his right to access, inspect
22 or receive copies of the records, without any justification, for months.

23 11. Respondents have also engaged in systematic retaliation against Petitioner
24 presumptively in the hopes that he will abandon his request for the corporate records and his company.
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1 Petitioner will not be doing either. Respondents' apparent efforts to purloin Petitioner's winery from
2 him only serve to heighten the urgency and importance of his demand for the records.

3 12. Petitioner has been diligent and made repeated efforts to obtain these records from
4 Respondents in hopes of avoiding litigation. These efforts have spanned months, and include, without
5 limitation, engaging a lawyer, transmitting numerous written letters requesting the KELHAM
6 CORPORATE RECORDS, and requesting the records from Kelham Vineyards' current and former
7 CPAs and Hamilton Nicholson's attorney. Hamilton Nicholsen is Petitioner's brother and a co-equal
8 member of Kelham Vineyards.

9 10. Petitioner has no adequate or speedy remedy at law to obtain the records to which he
11 is statutorily entitled to receive from Respondents. This Court should issue a writ mandating
12 Respondents to forthwith deliver to Petitioner the documents requested in ¶2. Because Respondents
13 failure to provide these documents is without justification, Petitioner also respectfully requests this
14 Court for an award of costs and attorneys' fees per Cal. Corp. Code § 17704.10(g) that Petitioner
15 incurred in bringing this writ of mandate and any other relief the Court may deem proper.

16 **The Parties**

17 18. Petitioner Ronald Nicholsen II is an individual residing in Napa County, California
19 (hereinafter "Petitioner"). At all relevant times, Petitioner was and is a member of Kelham Vineyard,
20 owning a 33% interest in the Company. Petitioner is also an owner of the real property at 360
21 Zinfandel Lane, where respondent Kelham Vineyard has its principal place of business.

22 23. Respondent Kelham Vineyards & Winery, LLC is a California limited liability
24 corporation organized under the California Revised Uniform Limited Liability Company Act,
25 Corporations Code, §17701.01, *et seq.* with its principal place of business located at 360 Zinfandel
26 Lane, St. Helena, California ("Kelham Vineyards" or "Company"). The Company does business as
27 Kelham Vineyards, which owns and operates a winery, tasting room, and showroom in St. Helena.

1 Kelham Vineyards manages 10.9 acres included planted vineyards and winery with capacity of 75-
2 thousand gallon annual wine production.

3 16. Respondent Susanna Rogers Kelham is an individual residing in Napa County,
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5 California. At all relevant times, Respondent S. Kelham is a member of and the member-manager of
6 Kelham Vineyards.

7 17. Hamilton Nicholsen is an individual residing in Napa County, California is also a
8 member of Kelham Vineyards.

9 18. Petitioner, Respondent S. Kelham, and Hamilton Nicholsen are the equal owners of
10 Kelham Vineyards with each owning a 33% in the Company. Petitioner and Respondents are also
11 family members. Respondent S. Kelham is Petitioner and Hamilton Nicholsen's mother and Petitioner
12 is Respondent Hamilton Nicholsen's older brother.

14. Upon information and belief, Kelham Vineyards may also have an ownership interest
15. in an approximately eighty acre parcel in the Oakville Appellation in the premier Cabernet Sauvignon
16. growing region (“Oakville Vineyards”). Kelham Vineyards sells grapes from Oakville Vineyards to
17. Napa’s most esteemed so-called “cult” wineries. Information regarding Oakville Vineyards, Kelham
18. Vineyards, and the Kelham Family are published on a single website which represents that Oakville
19. Vineyards and Kelham Vineyards are affiliated and one company. Petitioner is unaware of the
20. members or owners of Oakville Vineyards or the identity of the owners of the land, but Petitioner
21. understands and believes Kelham Vineyards may have comingled assets, funds, and liabilities or that
22. capital improvements on Oakville Vineyards were paid for by Kelham Vineyards. Petitioner,
23. accordingly, may have an interest in Oakville Vineyards.

Jurisdiction and Venue

20. This Court has jurisdiction over this matter pursuant to the common law and California
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27 Corporations Code section 17704.10 (f), which provides:

In addition to the remedies provided in Sections 17713.06 and 17713.07 and any other remedies, a court of competent jurisdiction may enforce the duty of making and mailing or delivering the information and financial statements required by this section and, for good cause shown, extend the time therefor.

21. Jurisdiction is proper in this venue because Respondent Kelham Vineyards maintains its principal place of business in Napa County, and the corporate books and records that are the subject of this Petition are presumptively in this County. Jurisdiction is proper because Respondent is a resident of Napa County. Jurisdiction is further proper in this county pursuant to California Code of Civil Procedure §§ 1085 and 1086 because Petitioner has no alternative plain, speedy and adequate remedy in the ordinary course of the law.

22. Venue is proper in this County pursuant to California Code of Civil Procedure §§ 395(a) and 395.5 because Respondent Kelham Vineyards has its principal place of business in Napa County. Venue is further proper because Respondent S. Kelham is a resident of Napa County.

General Allegations

23. Petitioner is a member of Kelham Vineyards. He desires to obtain statutorily delineated documents and to review, inspect and copy the books and records of the Company for reasons reasonably related to his interests as a member of Kelham Vineyards, including, without limitation, to evaluate the current value of the Company and its assets, the Company's assets and liabilities, and the corresponding value of his membership interest; to evaluate the propriety of Respondents efforts to "buy him out"; to evaluate the priority of manager compensation and distributions; and to evaluate whether the Company is being managed in a manner consistent with its purposes and in the interests of the members. Petitioner is entitled to such an inspection per California Corporations Code §§ 17704.10 and 17701.13.

24. Under Cal. Corp. Code § 17704.10(a), upon request by a member, "for purposes reasonably related to the interest of that person as a member," a manager of a limited liability company

1 “shall promptly deliver, in writing, to the member... a copy of the information required to be
2 maintained under paragraphs (1), (2), and (4) of subdivision (d) of Section 17701.13, and any written
3 operating agreement of the limited liability company.” Additionally, under Cal. Corp. Code §
4 17704.10(b)(1), a member of a limited liability company may, “for purposes reasonably related to the
5 interest of that person as a member . . . (1) inspect and copy during normal business hours any of the
6 records to be maintained pursuant to Section 17701.13.”

8 **The Creation and Management of Kelham Vineyards**

9 25. With the financial and moral support of his late step-father, Rawson Kelham, Petitioner
10 founded Kelham Vineyards in 1997. Petitioner and Mr. Kelham envisioned that the winery would
11 exist for generations as a family business with the responsibility first to the generation running the
12 winery as partners and second to maintain the business so that each successive generation would share
13 in the opportunity to grow, produce, and sell Kelham Vineyards’ Wine.

15 26. For six days a week for the past twenty-four years, Petitioner has been the winemaker,
16 vineyard manager, winery tour guide, and operations manager for Kelham Vineyards. He also
17 managed the Oakville Vineyards that Petitioner believes may be owned, operated, or part of Kelham
18 Vineyards. If Petitioner was not at the winery or in the vineyards, he was hosting winemaker dinners
19 all over the United States on behalf of Kelham Vineyards. Petitioner consistently outperformed the
20 other members and employees of Kelham Vineyards in terms of his sheer volume of sales and sweat
21 equity poured into the winery he founded.

23 27. Petitioner also maintained his and Mr. Kelham’s vision that Kelham Vineyards be
24 owned and operated as a family business.

25 28. While Petitioner has focused his energy almost exclusively on the winemaking, sales,
26 and growth of the Winery, Petitioner understands and believes that Respondent S. Kelham exclusively
27 controls the books, records, and finances of the Company. At all times relevant, Petitioner has not had
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1 access to the Company's books and records, bank accounts, contracts, or other records regarding the
2 operations of Kelham Vineyards.

3 **Respondent S. Kelham Informs Petitioner of her Shocking Decision**
4 **to "Buy Him Out" of the Winery he founded**

5 29. On May 24, 2021, Respondent S. Kelham unexpectedly informed Petitioner that it was
6 "time to sever our business relationship, and to start the process of negotiating a settlement for your
7 exit from Kelham Vineyards and Winery LLC. As a reminder, you own a 33% interest in Kelham
8 Vineyards and Winery LLC. I am in the process of having Kelham Vineyard and Winery LLC
9 appraised. Once that value is determined, we can negotiate the terms of your exit.... I believe it is time
10 to move in our separate directions and I hope you will agree to a reasonable settlement for your exit."

12 30. Petitioner's interest as a member of Kelham Vineyards is squarely at issue by
13 Respondent's claim of appraising the Company with the intent to buy him out and to sever his
14 membership interest in Kelham Vineyard.

15 31. But this was not the first of Respondent S. Kelham's questionable decisions involving
16 his membership interests in the prior months. In October 2020, Respondent S. Kelham informed
17 Petitioner that his monthly "membership distributions" were being reduced by the amount of his and
18 his family's health insurance because Kelham Vineyards was unable to secure "any help from the
19 Federal or State Government." Petitioner recently discovered that was false because the Company
20 received \$103,452 from the Federal Government's Paycheck Protection Program. Nevertheless,
21 Respondent S. Kelham did not reset his membership distributions to their previous levels; thus causing
22 tremendous financial hardship to Petitioner and his family.

24 32. Upon information and belief, Petitioner understands that Kelham Vineyards only very
25 recently filed its 2020 federal or state returns. The members of Kelham Vineyards are taxed as a
26 partnership, so Petitioner cannot file his taxes until Kelham Vineyards files its taxes. Respondent only
27 provided the schedule K-1 to Petitioner, which is insufficient and does not comply with the
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Corporations Code.

33. Moreover, the Company's continued dilatory filing of its taxes causes and will continue to cause Petitioner harm. For tax year 2019, Petitioner only recently received Kelham Vineyard's tax returns and Petitioner was penalized by the IRS because of the delay. Petitioner expects that he will be further penalized by the IRS for the 2020 tax year due to Respondent S. Kelham's inexplicable and inexcusable delay.

34. Upon information and belief, Petitioner understands Respondent S. Kelham is making decisions regarding capital improvements to Kelham Vineyards' property without his consent and with funds from Kelham Vineyards. In 2013, the County of Napa sued Petitioner, Respondent S. Kelham, and Hamilton Nicholsen because of similar conduct. Thus, Petitioner's membership interest in the Company and his interests as an owner of the real property are directly at issue by Respondents' conduct.

Petitioner Repeatedly Requests KELHAM CORPORATE RECORDS, But Respondents Unjustly Fail to Comply

35. Given the events transpiring over the months preceding the abrupt announcement that Respondent S. Kelham intends to buy Petitioner out of his business and sever their business relationship, on June 1, 2021, Petitioner's attorney transmitted a written demand to receive or inspect and copy seeking fourteen categories of records from Kelham Vineyards, including six categories of records pursuant to Cal. Corp. Code §§ 17704.10 and 17701.13 ("Record Demand Letter") to be delivered to Respondents.

36. On June 4, 2021, Hamilton Nicholsen informed Petitioner’s counsel that Petitioner “has access to all the information you demand.” Having found the response inadequate and inaccurate, on June 8, 2021, Petitioner’s counsel once again demanded the prompt delivery of the records or provide him a date and time to inspect the documents at the Company.

37. On June 10, 2021, Hamilton Nicholson informed Petitioner's counsel that he could

1 review any information he would like at the Winery and directed him to schedule a visit with Kelham
2 Vineyard's office manager. The next day, Respondent S. Kelham provided her first response to the
3 Record Demand Letter. Therein she feigned confusion regarding the purpose of Petitioner's demand
4 for the records. No documents were transmitted or forthcoming.

5 38. On June 30, 2021, Petitioner notified Respondent that he and his attorney intended to
6 appear in person on Thursday, July 1, 2021 at 10:00 a.m. to inspect and copy the records. Later that
7 same day, Respondent S. Kelham informed Petitioner that the records would *not* be available for his
8 inspection at Kelham Vineyards. Instead, she claimed she would send the documents via email.
9 Respondent also provided the contact information for Kelham Vineyards' former and current
10 Certified Public Accountants and directed Petitioner's attorney to obtain the requested information
11 from them.

12 39. Also attached to the June 30th email were two letters from Respondent S. Kelham
13 detailing her and Hamilton Nicholsen's retaliation against Petitioner for invoking his statutory right
14 to obtain records from the Company. In those letters, Respondents made the spurious claim that
15 Petitioner "resigned" and then informed him that his grossly diluted membership distributions were
16 being further cut.

17 40. At no time did Petitioner abdicate his ownership in the property, his membership
18 interest in Kelham Vineyard, nor did he "resign" in his role of winemaker, vineyard operator, or his
19 other roles at the Company.

20 41. Hamilton Nicholsen also informed Petition that "the decision has been made by
21 Kelham Vineyards to sell off a large majority of its current bulk wine inventory" and if Petitioner
22 wished to purchase the wine then he should submit a written offer for the "remaining partners" to
23 consider. The decision to sell of a significant asset of the Company before engaging an appraiser to
24 evaluate and determine the fair market value of the Company certainly regarded Petitioner's
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1 membership interest in Kelham Vineyards. And Petitioner believes it required his approval. He did
2 not consent to the sale, which he believes was nonetheless effectuated over his objection.

3 42. Because of Respondents' ongoing refusal to provide the records and block Petitioner's
4 access to the records at the Company, Petitioner contacted Kelham's two CPAs to ask for the records.
5 Only one of the CPAs responded that she has not performed any work for Kelham Vineyards in more
6 than six years and she returned all of its records to Respondent S. Kelham years ago. The other CPA
7 did not respond to the numerous emails from Petitioner.

8 43. On July 11, 2021, Respondent S. Kelham transmitted what appears to be an incomplete
9 and unsigned version of the Kelham Vineyard Operating Agreement. Petitioner contends that there is
10 a version that is executed by all three members and should be produced.

11 44. On July 16, 2021, Petitioner once again demanded a fully executed version of the
12 Operating Agreement and the remaining set of records. No response was forth coming until August 9,
13 2021 when Respondent S. Kelham transmitted some of the requested records. She did not transmit
14 each amendment or version of the Operating Agreements or one executed by all three members, its
15 state tax returns for the past six years, its federal tax return for year 2020, and the books and records
16 of the limited liability company as they relate to the internal affairs of the limited liability for at least
17 the current and past four fiscal years. The latter category being the most critical for his interests.

18 45. Thereafter, on or about August 17, 2021, Petitioner's counsel had a call with an attorney
19 purporting to represent Hamilton Nicholsen regarding the parties deteriorating relationship. During
20 that call, Petitioner's counsel explained that he had been waiting for months to receive the requested
21 documents Respondents, including an executed copy of the Operating Agreement. Shockingly, the
22 attorney stated he was in possession of a fully executed Operating agreement and possibly in
23 possession of amendments to the Operating Agreement, and if permitted to do so, he would send them
24 to Petitioner's counsel. Despite numerous follow-ups, no such documents were received from the
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attorney and the attorney has never been heard from again.

46. On Sunday, September 12, 2021, Respondent S. Kelham transmitted another set of letters to Petitioner informing him that he was no longer permitted on the premises of Kelham Vineyards (a property he owns) and that he is not to contact Respondent S. Kelham or Hamilton Nicholsen. Having no access to Kelham Vineyards, its books or records, Petitioner is compelled to seek a writ from this Court.

FIRST CAUSE OF ACTION

Writ of Mandate Code of Civil Procedure 1085

47. Petitioner incorporates by reference all of the foregoing paragraphs, as though fully set forth herein.

48. California Code of Civil Procedure section 1085 (a) provides:

A writ of mandate may be issued by any court to any inferior tribunal, corporation, board, or person, to compel the performance of an act which the law specially enjoins, as a duty resulting from an office, trust, or station, or to compel the admission of a party to the use and enjoyment of a right or office to which the party is entitled, and from which the party is unlawfully precluded by that inferior tribunal, corporation, board, or person.

49. A writ of mandate lies to compel a limited liability company, such as Kelham Vineyards, and S. Kelham, a manager of a California Limited Liability Company in possession of the requested information, to perform an official act required by law. In this case, Respondents are in possession of KELHAM CORPORATE RECORDS and thus are required to provide Petitioner with those records and documents in response to a demand from Petitioner pursuant to Corporations Code sections 17704.10 and 17701.13.

50. California Code of Civil Procedure Section 1086 compels this Court to issue a writ "in all cases where there is not a plain, speedy, and adequate remedy, in the ordinary course of law. It must be issued upon the verified petition of the party beneficially interested." A writ of mandate will

1 lie when, as here, there is no plain, speedy, and adequate remedy, when Respondents have a duty to
2 perform, and Petitioner has a clear beneficial right to performance. *Payne v. Superior Court of Los*
3 *Angeles County* (1976) 17 Cal.3d 908

4 51. Petitioner has standing to seek this writ because he is a member of the limited liability
5 company and he has beneficial interest with a direct and substantial interest in the documents withheld.
6 Without access to the books and records of Kelham Vineyards to which he is legally entitled, Petitioner
7 is unable to evaluate or know of the assets, liabilities, and internal affairs of the Company. He is,
8 accordingly, unable to determine whether his rights or obligations due to him by his other members
9 have been violated. Likewise, without access to the books and records, Petitioner cannot obtain an
10 independent value of “the partnership as it stands” for determining how and whether Kelham
11 Vineyards should be wound down or whether the appraiser selected by Respondent S. Kelham is in
12 possession of information that would inform it of the full picture of the assets and liabilities of Kelham
13 Vineyards in Respondent S. Kelham’s efforts to push him out of the company he founded.
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15 52. Petitioner seeks to enforce his rights as a member of the Company and he respectfully
16 requests the Court issue a writ compelling Respondents to provide to him:

17 a. Kelham Vineyards’ state tax returns for the past six years;
18 b. Kelham Vineyards’ federal tax return for year 2020;
19 c. The complete Operating Agreement executed by all three members of Kelham
20 Vineyards; and
21 d. Kelham Vineyards’ “books and records … as they relate to the internal affairs
22 of the limited liability for at least the current and past four fiscal years”.

23 53. Petitioner is informed and believes and thereon alleges that, at all times relevant,
24 Respondents have been able to provide Petitioner with the KELHAM CORPORATE RECORDS, and
25 to permit Petitioner to inspect and copy those and other company documents. Notwithstanding this
26 ability, and despite Petitioner’s repeated requests, Respondents have failed and refused to perform
27 their legal duty to comply.
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1 54. Rather than comply with the California Corporations Code, Respondents obstructed
2 Petitioner's right to access the records and retaliated against him for making the demand. Hamilton
3 Nicolsen instructed Petitioner's attorney that he could access the records at Kelham Vineyard but
4 when Petitioner endeavored to do so, Respondent S. Kelham refused to permit him to do so by denying
5 him access to the records. Then Respondent S. Kelham directed Petitioner to contact Kelham
6 Vineyards' former CPAs to obtain the records, and although he was not required to, Petitioner did so
7 in good faith but to no avail. Petitioner also tried to obtain some of the KELHAM CORPORATE
8 RECORDS from Hamilton Nicolsen's attorney but no records were forthcoming.

10 55. Further, Respondents have continued an illegitimate retribution campaign in retaliation
11 for Petitioner's demand of the KELHAM CORPORATE RECORDS he is legally entitled to receive.
12 These retaliatory actions include, without limitation, prohibiting Petitioner from entering the premises
13 he owns and claiming he is not allowed to contact his mother or brother, and current co-members of
14 Kelham Vineyards. Respondent S. Kelham and Hamilton Nicolsen's conduct reflects that absent a
15 writ from this Court, Respondents will not produce to Petitioner the records to which he is legally
16 entitled.
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18 56. Petitioner has no plain, speedy, and adequate remedy in the ordinary course of law,
19 other than the relief sought in this Petition. Petitioners seek timely, current, and sufficiently
20 informative information about the Company and Petitioner's interests.
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22 57. Respondents' failure to comply with their statutory obligations has damaged Petitioner
23 by denying him access to current information about the Company and Petitioner's interests, to which
24 Petitioner is clearly entitled, and which Respondents are legally required to provide. Further, Petitioner
25 has been forced to incur legal expenses in bringing this Petition for which he otherwise would not have
26 incurred.
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28 58. Per Cal. Corp. Code § 17704.10(g), "if the court finds the failure of the limited liability

1 company to comply with the requirements of this section is without justification, the court may award
2 an amount sufficient" to reasonably reimburse a member for expenses, including attorneys' fees.
3 Respondents have not provided any, let alone "sufficient," justification for their failure to comply, and
4 Petitioner is entitled to an award of costs and attorneys' fees.
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6 **WHEREFORE, Petitioner prays:**

7 a. That the Court issue a writ of mandate compelling Respondents to forthwith deliver
8 to Petitioner copies of the KELHAM CORPORATE RECORDS;

9 b. That the Court issue a writ of mandate commanding Respondents to forthwith permit
10 Petitioners to conduct an inspection and copying of the Company's books and records as requested;
11 c. For an award of costs and attorneys' fees to compensate Petitioner for reasonable
12 expenses incurred in bringing this Petition; and
13 d. For such other and further relief as the Court may deem proper
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15 Respectfully submitted,
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17 GREENBERG TRAURIG
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Dated: October 4, 2021

By: /s/ Harold Davis
Harold Davis
Marc Baluda

20 Attorneys for Petitioner
21 RONALD NICHOLSEN II
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VERIFICATION

I, Ronald Nicholsen II, am the petitioner in this proceeding. I have read the foregoing petition and know its contents. The facts stated therein are true and are within my personal knowledge, except those alleged on information and belief, and as to those I believe true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is correct.

Executed October 4, 2021, at Napa, California.

By:


RONALD NICHOLSEN II 10.04.2021